

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

Between:

and

RESPONDENT

— — — — —

ORDER: *(Per the Hon'ble Sri Justice Ramesh Ranganathan)*

Heard the learned Government Pleader and Smt.K.Swarna Seshu, the learned counsel for the respondent, and at their request, the writ petition itself is disposed of at the stage of admission.

This writ petition is filed aggrieved by the order passed by the Tribunal in V.M.A.No.144 of 2006, in O.A.No.6175 of 2005, dated 13-07-2006. The Tribunal, following the judgment of the Division Bench of this court in ***D.RAMESH SINHA Vs. CADRE AUTHORITY FOR KEY PERSONNEL OF CO-OPERATIVE CENTRAL BANKS APEX BANK, HYDERABAD***^[1], held that an order of suspension pending enquiry passed by the competent authority not independently, but in obedience of the directions of the Government is illegal. On the sole ground that the order of suspension was passed by the competent authority, on the directions of the State Government, the interim order, suspending the order of suspension, was made absolute. Aggrieved thereby, the Government and others are before this court.

Learned Government Pleader for Services would submit that under Rule 15 of A.P.Civil Services (CCA Rules), the appointing authority or any authority to which it is subordinate including the Government, may also

place a government servant under suspension.

It is not in dispute that the Government, under Rule 15 of A.P.Civil Services (CCA Rules) has the power to place a Government Servant under suspension. The Government may itself place such an employee under suspension or direct the competent authority to place him under suspension. As long as both the Government and the authority which has ultimately passed the order of suspension, have been conferred the power to do so under the Rules, it makes little difference whether the competent authority has passed the order of suspension on his own accord or on the directions of the Government. In ***D.RAMESH SINHA's*** case (supra), no rule similar to Rule 15 of the A.P.Civil Services (CCA Rules), was in existence in the A.P. State Co-operative Central Bank. The Rules applicable to employees of the bank did not empower the Government to place the bank employee under suspension. It is in such circumstances that the Division Bench held that the competent authority had to exercise its mind independently to take a decision as to whether the employee should be placed under suspension and not under the instructions given by the higher authority. The said judgment has no application to the case of government servants covered by the A.P.Civil Services (CCA) Rules wherein Rule 15 confers a specific power on the Government to place an employee under

suspension.

Smt.K.Swarna Seshu, learned counsel for the respondent-appellant, on the other hand, would submit that there is no justification in passing the orders of suspension. Learned counsel would contend that there is no reason whatsoever to place the respondent-applicant whose very appointment was on compassionate grounds, under suspension, since no irregularities have been attributed to him. These are all matters, which have to be examined by the Tribunal, since the Tribunal is a court of the first instance and the O.A. filed by the respondent-applicant is still pending before the Tribunal. We do not consider it appropriate to examine these questions raised for the first time before this court as these are all matters which the tribunal has to adjudicate- at the time of final hearing. The interim order of suspension passed by the Tribunal is set aside and the Tribunal is directed to hear and dispose of the main O.A., as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. Needless to state that, pending disposal of the O.A. before the Tribunal, the respondent-applicant shall continue to remain under suspension, unless in the interregnum the competent authorities under the rules modify or revoke the order of suspension.

The writ petition is accordingly disposed of.

However, in the circumstances, without costs.

B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

Date: 01-09-2006

Prv

[\[1\]](#) 2002 Suppl. (2) ALD 687(DB)